

## **LAND USE AND ZONING COMMITTEE**

*Minutes: June 22, 2006*

The Land Use and Zoning Committee hereby find and determine that all formal actions were taken in an open meeting and that all deliberations of the Land Use and Zoning Committee, which resulted in formal action, were taken in a meeting open to the general public, in full compliance with applicable legal requirements of Section 121.22 of the Ohio Revised Code.

The meeting was called to order at 7:03 p.m.

The following members were present: Messrs. Klco, Morse, Terriaco, and Messes. Ross, Diak and Garland. Staff: David Radachy.

There are two district changes and a text change in Concord Township and one text change in Perry Township.

### **Concord Township District Change R-1 to R-6**

Staff explained that this district change involves 10.5 of the 11.5 sublots that are not currently zoned R-6. One lot has split zoning and one owner is not involved with the district change. It was applied for by the Mount Royal Home Association and supported by the 11 lot owners.

Staff explained that this is part of Mount Royal Subdivision which has 65 sublots. 82% of the sublots are R-6. The committee asked how the split zoning happened in the first place. Staff explained that Mount Royal was a three phase subdivision. The first two phases were done on one preliminary plan and the third phase was put on additional land that was purchased. The third phase was approved with a separate preliminary plan. Staff also stated that when the zoning was approved for this area, there was a design for this subdivision. The Township officials did not expect this zoning classification to go past the tract line.

The staff explained that one of the main reasons why they are asking for the district change is that there is now sanitary sewer and water in the subdivision. This lowers the minimum lot size to 0.505 of an acre. This would put a burden on the subdivision.

Staff explained a couple of issues. Sublot 57 is non-conforming in regards to its sideline clearance. It is going to get worse when the sideline clearance is increased from 15 feet to 30 feet. The one lot that is not involved will create an island of R-1 in between the R-6, R-8 and RD-2.

Staff stated that the 2004 Comprehensive plan does not address this area of the township.

Staff recommended approval. The Township and the owners in this area clearly wanted this area to be large lot. R-1 allows for 0.505 acre lots and this would not be accordance with that wish.

Mr. Terriaco made a motion to recommend the district change be approved.  
Ms. Garland seconded the motion.

All vote “aye”  
Motion passed.

### **Concord Township District Change R-2 to BX**

Staff stated the request was to change R-2 PUD to BX. Staff stated that the applicant was 44 Partnership and showed that they owned property next to the district change. He also stated the property is currently owned by Quail Hollow Development Company. Staff stated the area involved was 3.5 acres and its dimensions were 100 x 679 feet.

Staff stated that this piece of property was originally the B&O railroad. It was rezoned in the mid 1980’s to R-2. This was done at that time because the design of Quail Hollow was going to use it as access to a multi-family area. The Quail Hollow development plans and golf course layout were changed so that this access is no longer needed.

By changing the zoning, the land behind it that is zoned R-1 would get the proper 50-foot buffer that is required. This land is also useless as R-2. It is not developable.

Staff stated there is a 0.62 of an acre piece of land that is owned by 84 Lumber that is not included in the request. By changing the zoning of the 3.5 acres, it will create an island of R-2.

Staff recommends that the property be rezoned only if the parcels that are owned by 84 Lumber are included.

The committee asked what the comprehensive plan suggested for the area. Staff stated it was not addressed in the 2004 Concord Comprehensive Plan. The committee asked about the Auburn Crile Road Study. Staff stated the plan recommend that land adjacent to Crile Road be BX. The plan did not address this old railroad right-of-way.

Mr. Klco made a motion to recommend that Concord Township rezone the 3.5 acres along with the 0.62 acres owned by 84 Lumber.

Mr. Terriaco seconded the motion.

Five voted “aye”.  
One voted “nay”.

Motion passed.

### **Text Changes to RCD Sections 16.24 B, 16.25 B and 16.25 D**

The changes will give some minimum standards for home placement in the RCD. It will add a ten foot sideline clearance and 30-foot rearline clearance. It also returned the density bonus to the zoning resolution. Staff stated that the lot size will dictate the frontage. The smaller the frontage, the narrower will be the building envelope.

Staff recommended approval.

The committee asked who authored the text changes. Staff stated the Township Trustees asked the Zoning Commission to look into the issue. The Zoning Commission created the new text.

Mr. Morse made a motion to recommend the text changes.  
Mr. Klco seconded the motion.

All voted “aye”

Motion passed.

### **Perry Township Text Change to Sections 301 R District, 310 B District and 315 I-1 District**

This text change will increase the setback on Lane Road from 50 feet off the right-of-way line to 85 feet from the right-of-way (115 feet from the centerline). This is being done because of the possibility of the Vrooman Road Bridge. Lane Road could become a major north-south connector.

The committee asked what the zoning districts were along Lane Road. Staff stated it was I-1 south of the tracks, R north of the tracks to a little north of Narrows Road and then it was B to North Ridge Road. Staff also stated that Perry has pyramid zoning. A house can go anywhere along Lane Road.

Staff suggested that Perry Township should consider using 80 feet from centerline or 50 feet from the right-of-way line, whichever is the greater standard for setback for all other roads. This is in place of the 50 feet from the right-of-way line. This would standardize the setbacks. Everything would be the same, regardless if the right-of-way was 40, 45, 50, 55 or 60 feet.

If these roads are now expanded, the setbacks are going to be reduced. The 80 feet from the centerline would keep the setbacks in conformance up to a 60-foot row.

The setbacks on North Ridge Road should also be look at. If the State of Ohio ever decides that North Ridge Road needs to be divided or a turn lane needs to be added, then the setbacks will be reduced. There is also a safety issue. The speed limit is 45 miles per hour, which is not always adhered to. Is 50 feet off the row a safe enough distance?

Staff recommended approval on the text change.

Staff also recommended that Perry Township look into changing their current setback to 80 foot from the centerline or 50 feet from the right-of-way line, whichever is a greater standard for setbacks for all other roads.

Staff also recommended that the Zoning Commission look at the setback for North Ridge Road.

Mr. Terriaco made a motion to recommend the text change and recommend that Perry Township study the setbacks on other roads and on North Ridge Road.

Mrs. Garland seconded the motion.

All voted “aye”

Motion passed.